

## **MINUTES OF THE CITY COUNCIL**

**SAN JOSE, CALIFORNIA**

**TUESDAY, JUNE 8, 2004**

The Council of the City of San Jose convened in Regular Session at 9:32 a.m. in Council Chambers at City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:37 a.m. in Room 600 to (A) to confer with Legal Counsel regarding anticipated litigation (a) of a matter where there is significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code and (2) to discuss a matter in the initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code. (B) confer with labor negotiator pursuant to government code section 54957.6; City Negotiator: City Manager designee Alex Gurza and Employee Organizations: (1) San José Police Officers' Association, (2) International Association of Firefighters, (3) Municipal Employee Federation, (4) Confidential Employees Organization, (5) City Association of Management Personnel, (6) Association of Maintenance Supervisory Personnel, (7) Operating Engineers, Local 3, (8) International Brotherhood of Electrical Workers, (9) Association of Building and Mechanical and Electrical Inspectors.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:48 a.m. and reconvened at 1:33 p.m. in Council Chambers, City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

### **INVOCATION (DISTRICT 6)**

Reverend Margo Tenold of the Trinity United Methodist Church delivered a prayer.

### **PLEDGE OF ALLEGIANCE**

Mayor Gonzales led the Pledge of Allegiance.

### **ORDERS OF THE DAY**

Upon motion by Council Member Chavez, seconded by Vice Mayor Dando, and unanimously carried, the Orders of the Day and the Amended Agenda were approved with one change: Item 6.2 was deferred to June 15, 2004. (11-0).

## **CEREMONIAL ITEMS**

### **1.1 Presentation of a proclamation declaring the week of June 5-13, 2004 as Silicon Valley Affordable Housing Week. (Housing)**

Action: Mayor Gonzales and Council Member Cortese presented a proclamation to Director of Housing Leslye Corsiglia and staff declaring the week of June 5 13, 2004 as Silicon Valley Affordable Housing Week.

### **1.2 Commendation to Gay Ministries Committee Council of Churches, Santa Clara County, in honor of Celebration in Spirit. (Yeager) (Orders of the Day)**

Action: Mayor Gonzales and Council Member Yeager presented a commendation to Gay Ministries Committee Council of Churches of Santa Clara County in honor of the Celebration of Spirit. Reverend Margo Tenold expressed appreciation and announced the 2004 Celebration of Spirit honorees; Mayor Gonzales, Council Member Yeager and San Francisco Mayor Gavin Newsom.

### **1.3 Presentation of a proclamation declaring the week of June 6-12, 2004 as San José Wildlife Week. (Gregory; Mayor) (Orders of the Day)**

Action: Mayor Gonzales and Council Member Gregory presented a proclamation to Janet Alexander and Julie Mills of the Wildlife Center of Santa Clara Valley declaring the week of June 6-12, 2004 as Wildlife Week.

## **CONSENT CALENDAR**

Upon motion by Council Member Williams, seconded by Council Member Cortese and unanimously carried, the Consent Calendar was approved as indicated with the exception of Item 2.3 (pulled by Council Member Gregory). (11-0).

### **2.3 (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) with a net impact to the fund of \$820,170, for the following projects:**

- (1) Washington and Edenvale Great Oaks Street Lights Project (PSM 368).**
- (2) William Street and McLaughlin Avenue Improvement Project (PSM 369).**
- (3) McLaughlin Avenue Improvement Project (PSM 370).**
- (4) Traffic Signal at 7<sup>th</sup> and Martha Streets Project (PSM 372).**
- (5) West San Carlos Street Improvement Project (PSM 373).**
- (6) Greater Gardner Neighborhood Streetscape Improvement Project (PSM 374).**
- (7) Martha Street Pedestrian/Bicycle Bridge Development Project (PSM 357).**

- 2.3 (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the:
- (1) Washington and Edenvale Great Oaks Street Lights Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 16, 2004.
  - (2) William Street and McLaughlin Avenue Improvement Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 15, 2004.
  - (3) McLaughlin Avenue Improvement Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 15, 2004.
  - (4) Traffic Signal at 7<sup>th</sup> and Martha Streets Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 15, 2004.
  - (5) West San Carlos Street Improvement Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 15, 2004.
  - (6) Greater Gardner Neighborhood Streetscape Improvement Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 15, 2004.
  - (7) Martha Street Pedestrian/Bicycle Bridge Development Project, as more specifically described in the memorandum from the Redevelopment Agency, dated May 4, 2004.

**CEQA:** Not a Project. Council Districts 2, 3, 6, and 7. **SNI:** Washington, Edenvale/Great Oaks, Five Wounds/Brookwood, Tully/Senter, Spartan/Keyes, Delmas Park, Greater Gardner. (City Manager's Office)

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated May 17, 2004, recommending adoption.

Action: Ordinance No. 27174, entitled: "An Ordinance of the City of San José Amending Ordinance No. 26916 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund for Various Public Improvement Projects; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 72127, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 71608 Setting Forth the Estimated Source of Funds for the Fiscal Year 2003-2004 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", and Resolution No. 72128, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements Certain Neighborhoods in the Strong Neighborhoods Initiative Redevelopment Project Area", were adopted. (11-0).

- 2.4 Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #22, and authorization for the Director of General Services to execute the purchase orders. **CEQA:** See memo for CEQA designation(s). (General Services)

## 2.4 (Cont'd.)

Documents Filed: Memorandum from Director of General Services Jose Obregon, dated May 17, 2004, recommending approval of the award.

Action: The award was approved with execution of the purchase orders authorized. (11-0).

## 2.5 **Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the donation of one (1) rubber-tired wheel loader with a total estimated value of \$6,100 to the City of La Paz, Mexico. CEQA: Not a Project. (General Services)**

Documents Filed: Memorandum from Director of General Services Jose Obregon, dated May 17, 2004, recommending adoption of said resolution.

Public Comments: John Diquisto spoke in support of the donation.

Action: Resolution No. 72129, entitled: "A Resolution of the Council of the City of San José Approving the Donation of One Surplus Rubber-Tired Wheel Loader to the City of La Paz, Mexico", was adopted. (11-0).

## 2.6 **Adoption of a resolution authorizing the reorganization of territory designated as Penitencia No. 71, which involves the annexation to the City of San José of 1.05 gross acres of land located at the on the east side of Noble Lane, approximately 550 feet northerly of Noble Avenue and adjacent to the City of San José annexations Penitencia Nos. 44 and 56, and the detachment of the same from Central Fire Protection, Area No.1 (Library Services) County Services. CEQA: Resolution No. 65459, GP2020 EIR. Council District 4. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building & Code Enforcement Stephen Haase, dated May 17, 2004, recommending the adoption of said resolution.

Action: Resolution No. 72130, entitled: "A Resolution of the Council of the City of San José Ordering the Reorganization of Certain Un-inhabited Territory Designated as Penitencia No. 71 Subject to Liability for General Indebtedness of the City", was adopted. (11-0).

## 2.7 **Approval of Contract Change Order No. 10 with Anderson Pacific Construction Engineering, Inc., for the Rincon Storm System Improvements Phase II Project, in the amount of \$175,209.75, for a total contract amount of \$21,059,524.59. CEQA: Resolution No. 60197, PP00-10-149. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated May 17, 2004, recommending approval of the contract change.

Action: The contract change order was approved. (11-0).

- 2.8 Report on bids and award of contract for the Traffic Signal Installation at Brigadoon Way and Daniel Maloney Drive Project to the low bidder, Brown & Fesler, Inc., in the amount of \$169,699, and approval of a contingency in the amount of \$16,960. CEQA: Exempt, PP02-07-197. Council District 8. (Public Works/Transportation)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Transportation James R. Helmer, dated May 17, 2004, recommending the award of contract.

Action: The said report on bids and award was approved with related contingency. (11-0).

- 2.9 Report on bids and award of contract for the Bucknall Road Sidewalk Project, from Villanova Drive to Maroel Road, to the low bidder, Golden Bay Construction, Inc., in the amount of \$138,830, and approval of a contingency in the amount of \$7,150. CEQA: Exempt, PP 02-01-011. Council District 1. (Public Works/Transportation)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Transportation James R. Helmer, dated May 17, 2004, recommending said report on bids and award of contract.

Action: The said report on bids and award to the low bidder, Golden Bay Construction was approved with related contingency. (11-0).

## **STRATEGIC SUPPORT SERVICES**

- 3.2 Report of the Rules Committee – Meeting of May 26, 2004**  
Vice Mayor Dando, Chair

Documents Filed: The Rules Committee report of May 26, 2004.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review June 8, 2004 Draft Agenda  
The Committee recommended approval of the June 8, 2004 City Council agenda with no charges.
  - (2) Add New Items to June 1, 2004 Amended Agenda
    - Mayor and Council Member Requests
    - City Manager Requests
    - City Attorney Requests
    - City Clerk RequestsThe Committee recommended six additions to the June 1, 2004 City Council agenda.

### 3.2 (Cont'd.)

- (b) City Council
  - (3) List of Reports Outstanding. Attachment: Report from the City Manager's Office, dated May 25, 2004 listing four staff reports outstanding for the June 1, 2004 Council agenda.

The Committee noted and filed the City Manager's report stating there are four staff reports outstanding for the June 1, 2004 Council agenda.

- (c) Legislative Update
  - (1) State  
Roxanne Miller, City of San José Lobbyist to the State Legislature in Sacramento, presented an overview of two proposed State constitutional amendments that deal with mandating future protection of local revenue. The Committee thanked Ms. Miller for her informative presentation.
  - (2) Federal – There was no report.
- (d) Meeting Schedules – There were none.
- (e) The Public Record. Attachment: Memoranda from City Clerk Lee Price, dated May 13, 2004 and May 20, 2004 transmitting items filed for the Public Record for the period May 5-18, 2004.

The Committee noted and filed the Public Record.

- (f) Appointment to Boards, Commissions and Committees. Attachments: (1) Fourteen memoranda from City Clerk Lee Price, dated May 7, 2004, forwarding results of interviews conducted by the Project Diversity Screening Committee to fill board and commission vacancies. (2) Twelve memoranda from the City Attorney's Office, dated March and April 2004, reviewing commission applicants for conflict of interest. (3) Memorandum from Council Member Campos, dated May 18, 2004, recommending appointments to the Advisory Commission on Rents. (4) Two memoranda from Council Member Reed, dated May 25, 2004, recommending appointments to the Airport Commission and the Small Business Development Commission. (5) Memorandum from Council Member Williams, dated May 24, 2004, recommending appointments to the Arts Commission. (6) Four memoranda from Council Member Yeager, dated May 26, 2004, recommending appointments to the CDBG Steering Committee, the Library Commission, the Parks and Recreation Commission, and the Traffic Appeals Commission. (7) Three memoranda from Council Member LeZotte, dated May 24, 2004 recommending appointments to the Disability Advisory Commission, Historic Landmarks Commission, and Senior Citizens Commission. (8) Memorandum from Council Member Gregory, dated May 25, 2004, requesting the City Clerk readvertise the vacant position on the Mobile Home Advisory Commission. (9) Memorandum from Council Member Chirco, dated May 24, 2004, recommending appointments to the Early Care and Education Commission.

### 3.2 (Cont'd.)

The Committee directed the City Clerk to conduct a blind drawing for those commissions with more than one vacancy and varying term ending dates, with the results of the draw noted in the Rules Committee report. The Committee recommended the following appointments:

(1) Advisory Commission on Rents

The Committee recommended appointment of Sandra Adams as the landlord representative and Pamela Dougherty as the neutral representative for unexpired terms ending December 31, 2006. The Committee directed the City Clerk to readvertise the tenant position in August 2004.

(2) Airport Commission

The Committee recommended appointment of Sukhdev Baniwal, Duc Ngo, and Steve Tedesco (Incumbent) to terms ending June 30, 2007.

(3) Arts Commission

The Committee recommended appointment of Francis Czyz (Incumbent), Lisa Gonzales, and Stephen McCray (Incumbent) to terms ending June 30, 2007. The Committee deferred one appointment to next week's Rules Committee meeting.

(4) CDBG Steering Committee

The Committee recommended appointment of Preston Powell as the District 3 representative to a term ending June 30, 2007. The Committee directed the City Clerk to readvertise for the District 5, District 7, and City-wide positions in August 2004.

(5) Disability Advisory Commission

The Committee recommended appointment of Teresa Applegate, Aaron Morrow (Incumbent), Karl Vidt (Incumbent), and Murri Zlotziver (Incumbent) to terms ending June 30, 2007.

(6) Early Care and Education Commission

The Committee recommended appointment of Nick Fay, Timothy Kirby, Richard McKinney, Dagmar Poffenroth and Elizabeth Venkat to terms ending June 30, 2007; and Bertha Martin to an unexpired term ending June 30, 2005. The Committee directed the City Clerk to readvertise the vacant position in August 2004.

### 3.2 (Cont'd.)

(7) Historic Landmarks Commission

The Committee recommended appointment of Martin Alkire and Patricia Colombe to terms ending June 30, 2007.

(8) Library Commission

The Committee recommended appointment of David Cohen (Incumbent), Pia Moriarty (Incumbent), and Vincent Tarpey to terms ending June 30, 2007. The Committee deferred one appointment to next week's Rules Committee meeting.

(9) Mobile Home Advisory Commission

The Committee directed the City Clerk to readvertise for the neutral position in August 2004.

(10) Parks and Recreation Commission

The Committee recommended appointment of Helen Chapman (Incumbent), Jose Silva, and Mark Swineford (Incumbent) to terms ending June 30, 2007.

(11) Senior Citizens Commission

The Committee recommended appointment of Surendra Amin (Incumbent), Don Blankenship, Lorene Prudhomme, and John Tinsley (Incumbent) to terms ending June 30, 2007, and Ronald Layman to an unexpired term ending June 30, 2006.

(12) Small Business Development Commission

The Committee recommended appointment of Joyce Puopolo to an unexpired term ending December 31, 2005.

(13) Traffic Appeals Commission

The Committee recommended appointment of Richard Daulton to a term ending June 30, 2007 and deferred one appointment to next week's Rules Committee meeting.

(g) Rules Committee Reviews, Recommendations and Approvals

- (1) City Manager's report on Building Capacity to Maintain a Strong Leadership Team for the City of San José



### 3.2 (Cont'd.)

(g) Rules Committee Reviews, Recommendations and Approvals

- (1) City Manager's report on Building Capacity to Maintain a Strong Leadership Team for the City of San José

The Committee deferred this item to next week's Rules Committee meeting.

- (2) Written report from City Manager including a schedule of community meetings for the Public Art Process at the Norman Y. Mineta San José International Airport

The Committee deferred this item to next week's Rules Committee meeting.

- (3) Request to defer the issue of "Concurrent Sale of Gasoline, Food, Groceries and Alcohol" for an additional 60 days to August 2004. Attachment: Memorandum from Director of Planning, Building & Code Enforcement Stephen Haase, dated May 14, 2004, requesting a 60-day deferral of the issue entitled, "Concurrent Sale of Gasoline, Food, Groceries and Alcohol".

The Committee recommended approval to defer the issue entitled, "Concurrent Sales of Gasoline, Food, Groceries and Alcohol" for 60 days, bringing the item before the City Council in August 2004.

- (h) Oral communications – None were presented.

- (i) Adjournment — The meeting adjourned at 2:45 P.M.

**Report of the Rules Committee**  
**Vice Mayor Dando, Chair**  
**Meeting of June 2, 2004 (Partial)**

Documents Filed: The partial Rules Committee report of June 2, 2004.

- (f) Appointments to Boards, Commissions and Committees. Attachments: (1) Memorandum from Council Member Williams, dated June 2, 2004, recommending an appointment to the Arts Commission. (2) Memorandum from Council Member Yeager, dated June 2, 2004, recommending readvertising the vacant position on the Library Commission. (3) Memorandum from Council Member Yeager, dated June 2, 2004, recommending an appointment to the Traffic Appeals Commission.

- (1) Arts Commission

The Committee recommended appointment of Dennis Martin (Incumbent) to a term ending June 30, 2007.

### **3.2 (Cont'd.)**

#### **(2) Library Commission**

The Committee directed the City Clerk to readvertise the vacant position in August 2004.

#### **(3) Traffic Appeals Commission**

The Committee recommended appointment of Timothy Flynn to a term ending June 30, 2007.

Action: Upon motion by Council Member Cortese, seconded by Council Member Chavez, and unanimously carried, the Rules Committee report and actions of May 26, 2004 and partial Rules Committee report of June 2, 2004 were accepted. (11-0).

## **ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

### **4.2 Report of the Driving a Strong Economy Committee – May 24, 2004** Council Member Williams, Chair

Documents Filed: The Driving a Strong Economy Committee report of May 24, 2004.

#### **(a) Report on attracting business to Hayes and Convention Center**

The Committee accepted the staff's report, "Report on attracting business to Hayes and Convention Center.

#### **(b) Report on the results of development process improvements. Attachment: Memorandum from Director of Planning, Building & Code Enforcement Stephen Haase, Director of Public Works Katy Allen, and Fire Chief Jeff Clet, dated May 7, 2004, transmitting the results of the Development Process Improvements.**

The Committee accepted the staff's report, "Report on the results of development process improvements".

#### **(c) Oral petitions – None.**

#### **(d) Adjournment – Meeting was adjourned at 3:55 P.M.**

Action: Upon motion by Council Member Williams, seconded by Council Member Reed, and unanimously carried, the Driving a Strong Economy Committee report and actions of May 24, 2004 were accepted. (11-0).

- 4.3 (a) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2004-2005, and set June 22, 2004 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: St. James Square; University; Josefa/Auzerais; Burbank/DelMonte. (Economic Development)
- (b) Preliminary approval of the report as filed by the Willow Glen Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2004-2005, and set June 22, 2004 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 6. (Economic Development)
- (c) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for 2004-05, and set June 22, 2004 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13<sup>th</sup> Street. (Economic Development)

Documents Filed: Memoranda from Director of Economic Development, Paul Krutko, dated May 17, 2004, recommending preliminary approval of the 2004-2005 Budget Report and related resolutions.

Discussion: Vice Mayor Dando requested staff to refer to the Business Improvement District (BID) fee back to the BID Advisory Board for further review and to report back before the June 22, 2004 Public Hearing.

Public: William Garbett spoke in opposition to the recommendations.

Action: Upon motion by Council Member Chavez, seconded by Council Member Yeager, and unanimously carried, Resolution No. 72131, entitled: "A Resolution of the Council of the City of San José Declaring Its Intent to Levy Assessments for Fiscal Year 2004-2005 in the Downtown Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989; and Setting a Date and Time for the Public Hearing", Resolution No. 72132, entitled: "A Resolution of the Council of the City of San José Declaring Its Intent to Levy the Assessment for Fiscal Year 2004-2005 in the Willow Glen Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989; and Setting a Date and Time for the Public Hearing", Resolution No. 72133, entitled: "A Resolution of the Council of the City of San José Declaring Its Intent to Levy Assessments for Fiscal Year 2004-2005 in the Japantown Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989; and Setting the Date and Time for the Public Hearing", were adopted. (11-0) with direction for staff to refer the Business Improvement District (BID) fee back to the BID Advisory Board for further review and report back before the June 22, 2004 Public Hearing.

**4.4 Adoption of a resolution:**

- (a) Authorizing the issuance of City of San José General Obligation Bonds, Series 2004 (Libraries, Parks and Public Safety Projects) (the "2004 Bonds") in the not-to-exceed aggregate principal amount of \$120,000,000, to be sold at a competitive sale.**
  - (b) Approving in substantially final form, the Fiscal Agent Agreement, the Official Notice Inviting Bids, and the Preliminary Official Statement; and authorizing the City Manager or other authorized officers to execute these documents and other related documents as necessary in connection with the issuance of the 2004 Bonds.**
  - (c) Authorizing RBC Dain Rauscher, the Financial Advisor to the City on the issuance of the 2004 Bonds, to bid on the underwriting of the 2004 Bonds.**
- CEQA: Not a Project. (Finance)**

Documents Filed: Supplemental memorandum from Deputy Director of Debt & Risk Management, Julia Cooper, dated June 3, 2004, transmitting the Official Statement and Appendix A.

Public: William Garbett spoke in opposition to the recommendations.

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and unanimously carried, Resolution No. 72134, entitled: "A Resolution of the Council of the City of San José Authorizing the Issuance of Its General Obligation Bonds, Authorizing and Directing the Execution of a Fiscal Agent Agreement and Certain Other Related Documents, and Authorizing Actions Related Thereto", was adopted. (11-0).

**4.5 Report on bids and award of contract for the San José New City Hall Rotunda Sunshade Project to the sole bidder, Peninsulators, Inc., in the amount of \$231,222, and approval of a contingency in the amount of \$23,100. CEQA: Civic Plaza Redevelopment Plan, Resolution No. 68905, PP98-03-072. SNI: University. (Public Works)**

Documents Filed: (1) Supplemental memorandum from Director of Public Works Katy Allen, dated May 26, 2004, providing additional information after bids were opened. (2) Memorandum from Director of Public Works Katy Allen, dated May 17, 2004, forwarding the report on bids and appropriate actions.

Action: Upon motion by Council Member Cortese, seconded by Council Member Campos, and unanimously carried, the said report on bids and award to the sole bidder, Peninsulators, Inc., was approved with related contingency. (11-0).

#### **4.6 Adoption of a resolution:**

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Vintage Tower Apartments) Series 2004B" in an aggregate principal amount not to exceed \$5,500,000 (the "Bonds"), to be issued and delivered in two sub-series designated as Series 2004B-1 in the estimated principal amount of \$4,350,000, and as Series 2004B-2 in the estimated principal amount of \$1,150,000;**
- (b) Approving a loan of bond proceeds to First Methodist Church Tower Properties, L.P., a California limited partnership, for financing the acquisition and rehabilitation of the Vintage Tower Apartments located at 235 East Santa Clara Street in San José;**
- (c) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, the Bond Purchase Agreement and the Assignment of Mortgage Loan; and**
- (d) Authorizing the City Manager or other authorized officer to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.**

**CEQA: Exempt, PP03-03-090. Council District 3. (Housing)  
(Deferred from 6/1/04 – Item 4.3)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated May 14, 2004, recommending approval.

Public Comments: William Garbett spoke in opposition of said resolution.

Action: Upon motion by Council Member Chavez, seconded by Council Member Yeager, and unanimously carried, Resolution No. 72135, entitled: "A Resolution of the City Council of the City of San José Authorizing the Issuance of the Multifamily Housing Revenue Bonds and the Loan of the Proceeds Thereof for the Financing of the Vintage Tower Apartments Project and Approving Other Related Documents and Actions", was adopted. (11-0).

## **RECREATION & CULTURAL SERVICES**

#### **5.2 Adoption of the following appropriation ordinance amendments in the Parks City-Wide Construction and Conveyance Tax Fund:**

- (a) Increase the Calpine Open Space Project by \$585,000.**
- (b) Decrease the Reserve for Calpine Open Space Project by \$585,000.**

**CEQA: Exempt, PP03-05-0166. Council District 2. (Parks, Recreation and Neighborhood Services/City Manager's Office)**

Documents Filed: Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley and Budget Director, Larry D. Lisenbee, dated May 17, 2004, recommending approval.

Action: Upon motion by Council Member Williams, seconded by Council Member Cortese, and unanimously carried, Ordinance No. 27175, entitled: "An Ordinance of the

## 5.2 (Cont'd.)

City of San José Amending Ordinance No. 26916 to Appropriate Moneys in the Parks City-Wide Construction and Conveyance Tax Fund for the CalPine Open Space Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0).

## TRANSPORTATION SERVICES

### 6.2 Adoption of a resolution amending Resolution No. 71324 effective July 1, 2004 to:

- (a) Increase the flat rate per tow as consideration for the privilege of providing City-generated tows to \$50.95;
- (b) Increase the maximum rates that tow contractors may charge vehicle owners for basic tows to \$112.09 per tow.

**CEQA: Not a Project. (Planning, Building and Code Enforcement).**

Documents Filed: Memorandum from Director of Planning, Building & Code Enforcement Stephen Haase, dated May 28, 2004, recommending approval.

Action: This item was deferred to June 15, 2004 under the Orders of the Day.

## AVIATION SERVICES

- 8.1 (a) Report on bids and award of contract for the Norman Y. Mineta San José International Airport North Concourse Building Site Preparation and Excavation (Package 1) Project to the low bidder, DeSilva Gates Construction, in the amount of \$10,189,750 and approval of a contingency in the amount of \$1,019,000.
- (b) Adoption of the following appropriation ordinance amendments in the Airport Revenue Bond Improvement Fund:
  - (1) Increase the North Concourse Site Facility Relocations appropriation in the amount of \$500,000.
  - (2) Decrease the Gate A1-C Relocation appropriation in the amount of \$500,000.

**CEQA: Resolution Nos. 67380 and 71451, PP 04-03-092. (Public Works)**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, Aviation Director Ralph G. Tonseth, and Budget Director, Larry D. Lisenbee, dated June 3, 2004, providing additional information after bids were opened. (2) Memorandum from Director of Public Works Katy Allen, dated May 17, 2004, forwarding the report on bids and said actions.

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and unanimously carried, the report on bids and award of contract to the low bidder, DeSilva Gates Construction was approved with related contingency and Ordinance No. 27176, entitled: “An Ordinance of the City of San José Amending Ordinance No. 26916 to Appropriate Moneys in the Airport Revenue Bond Improvement Fund for the North Concourse Site Facility Relocations Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0).

## **JOINT COUNCIL/REDEVELOPMENT AGENCY**

The Redevelopment Agency Board convened to consider items 10.1 and 10.2 in a Joint Session at 2:13 P.M.

### **10.1 Acceptance of the quarterly report on the Citywide Capital Improvement Program (CIP), including park, library, public safety bond projects, and Strong Neighborhoods Initiative (SNI) Projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)**

Documents Filed: (1) Memorandum from City Manager Del D. Borgsdorf and Deputy Executive Director of Redevelopment Agency, Harry Mavrogenes, dated May 24, 2004, recommending acceptance of the quarterly report on the Citywide Capital Improvement Program and the Strong Neighborhoods Initiative Program. (2) Hardcopy of Citywide Capital Improvement Program including Park, Library, Public Safety Bond and Strong Neighborhoods Initiative Projects Quarterly Report, dated June 8, 2004.

Discussion: Council Member Gregory requested staff to provide a progress update on the development project team for the Hubbard School site.

Public: Marilyn Holmes and Shannon Weatherford spoke in favor of the programs.

Action: Upon motion by Council Member Cortese, seconded by Council Member Chavez and unanimously carried, the report was accepted direction as recommended. (11-0).

### **10.2 Approval of an ordinance amending Chapter 12.12 of Title 12 of the San José Municipal Code to amend and restate the City of San José Municipal Lobbying Ordinance. (Blue Ribbon Task Force)**

Documents Filed: None.

Action: This item was deferred to June 29, 2004.

The Redevelopment Agency Board portion of the meeting adjourned at 2:41 P.M.

## **NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9484	508 Hillsdale Ave.	3	Eden Garden LLC	19 lots	Multi-family	Approve
9515	n/s Curtner Ave, E of Highway 87	7	Summer Hill Homes	153 lots/ 132 units	SFA & SFD	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

### **OPEN FORUM—**

(1) Hugh Cloutier spoke on issues pertaining to the closing of horseshoe courts in San José parks.

(2) Ross Signorino spoke on City politics issues.

### **ADJOURNMENT**

The Council of the City of San José adjourned in memory of President Ronald Reagan, the 40<sup>th</sup> President of the United States.

**RON GONZALES, MAYOR**

**ATTEST:**

**LEE PRICE, C.M.C, CITY CLERK**

EW/5-25-04